

REMARKS

This responds to the Office Action mailed on October 5, 2007.

Claims 1 and 8 are amended; claims 15-20 are canceled, without prejudice to the Applicant; as a result, claims 1-14 are now pending in this application.

Support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 22, 24, 35, and 42.

§102 Rejection of the Claims

Claims 1-20 were rejected under 35 U.S.C. § 102(b) for anticipation by Shapiro (U.S. 2006/0242275). It is of course fundamental that in order to sustain an anticipation rejection that each and every limitation must in the rejected claims must be taught or suggested in the exact detail and identical arrangement within the cited reference.

Here, Shapiro is directed to remotely determining the configuration of a multi-media content user. Shapiro spends a lot of its discussion on how to detect a media player and its configuration. What Shapiro does not do is stream the media player and the media data together with one another to a recipient. Also, the pixel compression discussed at paragraph 126 of Shapiro strictly deals with the particular available or supporting codec of the media player that was detected.

So, Shapiro does not stream the media player with the content and Shapiro does not compress to a custom pixel resolution based on a rate of transmission associated with communication with a requestor over a network. At best, Shapiro compresses pixels based on a supporting codec found in the particular identified media player that is already present on a recipient device and which was not streamed with the compressed content.

For all the above reasons, Shapiro cannot be said to anticipate Applicant's amended independent claims 1 and 8. As such, Applicant respectfully requests that the rejections of record be withdrawn and the claims be allowed.

§103 Rejection of the Claims

Claims 3 and 12 rejected under 35 U.S.C. § 103(a) as being unpatentable over Shapiro in view of Huntington (U.S. 6,970,937). Claim 3 is dependent from amended independent claim 1 and claim 12 is dependent from amended independent claim 8; thus, for the amendments and remarks presented above with respect to claims 1 and 8, the rejections of claims 3 and 12 should be withdrawn. Applicant respectfully requests an indication of the same.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6902 to facilitate prosecution of this application.

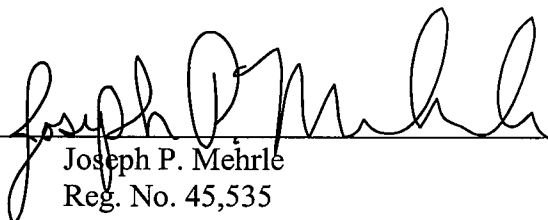
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 01-07-08

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of January 2008.

PATRICIA A. HULTMAN

Name



Signature